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Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

\*E-FILED - 4/28/08\*

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
\$12,510 IN UNITED STATES )  
CURRENCY, )  
 )  
Defendant. )

No. 05-01283 RMW

STIPULATION AND ORDER TO  
WITHDRAW THE CLERK'S DEFAULT AND  
TO ENTER THE PARTIES'  
SETTLEMENT AGREEMENT

1 The United States of America, through its undersigned counsel, and Abraham  
2 TABELLIJA through his counsel, ("the Parties") agree, subject to the Court's approval, as  
3 follows:

4 1. This civil forfeiture action resulting in the seizure of defendant \$12,510 arose out  
5 of the same operative facts as the criminal case, No. 04-20193, in which TABELLIJA was  
6 convicted of conspiracy to distribute methamphetamine in violation of 21 U.S.C. § 846 on June  
7 19, 2007. *See* Related Case Order, filed in No. CV 05-01283 and CR 04-20193, on August 2,  
8 2004; Notice of Related Cases, filed in No. CV 05-01283 and CR 04-20193 on June 20, 2005.  
9 Because the Parties further agree that the disposition of defendant \$12,510 is dictated by  
10 paragraph 9.h of the document filed under seal on June 6, 2007 in CR 04-20193, the Parties agree  
11 that it is necessary to file this Settlement Agreement.

12 2. By signing this Settlement Agreement, the Parties agree that the United States has  
13 waived the time limit for filing of a claim and answer in this civil forfeiture action by Abraham  
14 TABELLIJA for the sole purposed of entering into this Settlement Agreement; that TABELLIJA  
15 has properly asserted a claim and answer to defendant \$12,510; and that the default entered by  
16 the Clerk in this civil forfeiture action on or about March 26, 2008 be withdrawn.

17 3. After the Court issued the Order to Show Cause in this case on March 19, 2007,  
18 and after the United States responded to the OSC and requested the Clerk to enter a default,  
19 TABELLIJA's counsel contacted the undersigned to inform her that, although TABELLIJA had  
20 not filed a claim or answer in this case, that TABELLIJA had agreed with the Assistant United  
21 States Attorney then assigned to the criminal case, Karen Beausey (who has since left the office)  
22 as to the disposition of defendant \$12,510 in paragraph 9.h of the document filed under seal on  
23 June 6, 2007 in the criminal case, No. 04-20193. As a result, the undersigned obtained a  
24 file-stamped copy of the sealed document filed on June 6, 2007 in CR 04-20193, and the Parties  
25 now agree that paragraph 9.h of that dictates the disposition of defendant \$12,510.

26 ///


27 ///

1 4. Accordingly, based on the foregoing, the Parties agree that \$6,255 of defendant  
2 be, and hereby is, forfeited to the United States; that \$6,255 of defendant be returned to  
3 TABELLIJA; and that each party is to bear its or his own costs and attorneys' fees.

4 IT IS SO STIPULATED:

5  
6 Dated: March 31, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

  
PATRICIA J. KENNEY  
Assistant United States Attorney  
Attorney for the United States

ROBERTS & ELLIOTT, LLP

9  
10 Dated: March \_\_, 2008

KIRK W. ELLIOTT  
Attorney for Abraham Tabellija

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13  
14 UPON CONSIDERATION OF THE FOREGOING, IT IS ON 28 DAY OF APRIL, 2008  
15 THAT (1) THE DEFAULT OF THE CLERK BE, AND HEREBY IS, WITHDRAWN; (2)  
16 THAT \$6,255 OF DEFENDANT BE AND HEREBY IS FORFEITED TO THE UNITED  
17 STATES; (3) THAT \$6,255 OF DEFENDANT BE AND HEREBY IS TO BE RETURNED TO  
18 ABRAHAM TABELLIJA; AND (4) THAT THE UNITED STATES SUBMIT A PROPOSED  
19 JUDGMENT OF FORFEITURE AS TO THE \$6,255 WHICH IS FORFEITED.

20  
21   
22 HONORABLE RONALD W.   
United States District Judge  WHYTE

1 4. Accordingly, based on the foregoing, the Parties agree that \$6,255 of defendant  
2 be, and hereby is, forfeited to the United States; that \$6,255 of defendant be returned to  
3 TABELLIJA; and that each party is to bear its or his own costs and attorneys' fees.

4 IT IS SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

5  
6 Dated: March \_\_, 2008

PATRICIA J. KENNEY  
Assistant United States Attorney  
Attorney for the United States

7  
8  
9 ROBERTS & ELLIOTT, LLP

10 Dated: ~~March~~ \_\_, 2008

  
KIRK W. ELLIOTT  
Attorney for Abraham Tabellija

11 *April 1, 2008*  
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13  
14 UPON CONSIDERATION OF THE FOREGOING, IT IS ON \_\_\_\_\_ DAY OF APRIL, 2008  
15 THAT (1) THE DEFAULT OF THE CLERK BE, AND HEREBY IS, WITHDRAWN; (2)  
16 THAT \$6,255 OF DEFENDANT BE AND HEREBY IS FORFEITED TO THE UNITED  
17 STATES; (3) THAT \$6,255 OF DEFENDANT BE AND HEREBY IS TO BE RETURNED TO  
18 ABRAHAM TABELLIJA; AND (4) THAT THE UNITED STATES SUBMIT A PROPOSED  
19 JUDGMENT OF FORFEITURE AS TO THE \$6 255 WHICH IS FORFEITED.

20  
21  
22 HONORABLE RONALD W. WHITE  
United States District Judge

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STIPULATED SETTLEMENT AGREEMENT  
No. 05-01283 RMW